

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

VINCENT WOODHOUSE,

Plaintiff,

V.

MAJOR KING,

Defendant.

Civil Action No. 7:20cv00655

PRETRIAL ORDER

By: Hon. Thomas T. Cullen
United States District Judge

This case is set for a jury trial on July 17–19, 2023, beginning at 9:00 a.m. in the United States District Courthouse in Roanoke, Virginia.

1. The Court will issue a Transportation Order to Plaintiff's custodian requesting that Plaintiff be transported to the United States District Court, 210 Franklin Road SW, Roanoke, Virginia 24011, so that he may be present in Court on July 17–19, 2023.

2. Plaintiff may present his own evidence at trial by way of exhibits, witnesses, and his own testimony. If Plaintiff wishes to call any witnesses at trial who are inmates, he must file with the Court a list of such witnesses requested by him no later than **30 days before trial**. Requests for inmate witnesses must include each inmate's name, each inmate's prison location and personal identification number, and a detailed statement of each inmate's expected testimony demonstrating that the inmate can present testimony that is both admissible and relevant to the issues remaining for trial. To the extent practicable, and if approved by the Court, the Clerk's Office will arrange for Plaintiff's incarcerated witness to testify via video-conferencing. *See* Fed. R. Civ. P. 43(a)

3. Each party is responsible for ensuring that any non-incarcerated witness the party wants to call appears at trial; *that is not the court's responsibility*. Nevertheless, requests for the Clerk to issue witness subpoenas for non-incarcerated witnesses should include the name and address of the party to be served and a specific indication of any documents to be produced by the witness. The Clerk will forward blank subpoenas to any party who requests them. The parties are reminded that subpoenas for the attendance of witnesses cannot be enforced without proper pre-payment of the appropriate witness and mileage fees. *See* Fed. R. Civ. P. 4, 45. The Clerk's office will not undertake to effect personal service of any witness subpoena through the United States Marshals Service ("USMS") on the plaintiff's behalf unless the appropriate fees have been tendered and the plaintiff has provided proof of payment through the USMS. Additionally, the Court is unaware of any funding to allow for the payment of fees at government expense. *See Johnson v. Hubbard*, 698 F.2d 286, 289–90 (6th Cir. 1983).

4. If any party intends to call any expert witnesses, the party must file a proposed list of expert witnesses; each expert witness's contact information, pursuant to Fed. R. Civ. P. 26(a)(2)(A); and any applicable report, pursuant to Fed. R. Civ. P. 26(a)(2)(B) and (C), no later than **30 days before trial**. *See* Fed. R. Civ. P. 26(a)(2)(D).

5. The parties must file a list of witnesses intended to be called at trial, each witness's contact information, and a brief statement about each witness's expected testimony no later than **30 days before trial**.

6. The parties must each file a list of proposed trial exhibits no later than **30 days prior to trial**. Plaintiff's exhibit list may include items to which Plaintiff does not have access, and defendants may be required to provide such documents, at the court's direction.

7. Motions *in limine*, including motions objecting to the introduction of deposition testimony and trial exhibits, must be filed no later than **21 days prior to trial**. Opposition briefs to any motion *in limine* must be filed no later than **10 days after service of the motion or 2 days prior to the pretrial conference, whichever is later**.

8. A final pretrial conference will be conducted on July 10, 2023, via the zoom.gov platform. Instructions will be provided to the parties. The parties' witness and exhibit lists and any objections to those lists, as well as any other pretrial matters, will be addressed at the conference.

9. A jury of seven (7) persons will decide this case. The Clerk will provide the parties on the morning of trial, but not before, with a list of names of the persons summoned from which the jury will be chosen. The Court will conduct jury voir dire questioning. If any party has questions that he wishes the Court to ask the potential jurors, that party must file such questions in writing with the Court no later than **21 days prior to trial**.

10. Any proposed jury instructions must be filed with the Court no later than **21 days prior to trial**.

11. The parties must advise the court of any technology need(s) at the pretrial conference.

It is so **ORDERED**.

ENTERED this 6th day of April, 2023.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE